

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of Michigan Regional Council
of Carpenters' Employee Benefits Funds,
et al.,

Plaintiffs,

v.

Case No. 09-13453

Lori Farlow d/b/a Lakeside Interiors,

Honorable Sean F. Cox

Defendants.

OPINION GRANTING
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

This is an ERISA action in which several Plaintiff Trust Funds seek recovery of allegedly delinquent fringe benefits owed by Defendant. The matter is currently before the Court on Plaintiffs' Motion for Entry of Default Judgment. A hearing was held on December 3, 2009. For the reasons that follow, the Court shall GRANT the motion and enter a default judgment in favor of Plaintiffs.

The Plaintiffs Trust Funds filed this action against Defendant Lori Farlow d/b/a Lakeside Interiors ("Defendant") on September 1, 2009. Plaintiff allege that Defendant has violated its contractual and statutory obligations by failing to make certain fringe benefit contributions to Plaintiffs on behalf of Defendant's employees.

The docket reflects that Defendant was served on September 15, 2009 and an answer was therefore due on October 5, 2009. Nevertheless, as of October 14, 2009, Defendant had not appeared in the action or filed an answer.

On October 14, 2009, Plaintiffs requested a Clerk's Entry of Default because Defendant

had not yet filed an answer or otherwise appeared in this action. A Clerk's Entry of Default was entered on October 15, 2009.

Plaintiffs now seek entry of a default judgment.

Rule 54 of the Federal Rules of Civil Procedure provides that a "judgment by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgment." FED. R. CIV. P. 54(c).

Here, Plaintiffs are not requesting any relief not sought in the complaint. Plaintiffs are seeking \$53,552.56 in unpaid fringe benefit contributions owed by Defendants. In support of their motion, Plaintiffs submitted an affidavit of auditor Ken Whatley. (Docket Entry No. 9).

Having reviewed Plaintiffs' motion and supporting materials, it is **ORDERED** that Plaintiff's motion is **GRANTED**. A Default Judgment shall be issued forthwith.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 5, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 5, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager